



Who is controlling whom?

An analysis of the Belgian federal parliament's executive oversight capacities towards the military interventions in Libya (2011) and Iraq (2014-2015)

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Introduction

Foreign policy making is often seen as an executive-dominated branch, making parliaments rather peripheral actors (e.g. Born and Hänggi, 2004; Dieterich et al., 2015). That is particularly the case when it comes to decision-making on military interventions. Over the last two decades, however, landmark rulings (1994 Federal Constitutional Court ruling in Germany), constitutional reforms (Netherlands in 2000, France in 2008) and new legislation (2005 deployment law in Germany, 2005 organic law on national defence in Spain) have provided increased parliamentary involvement in decision-making on military deployments, sparking academic interest. In comparison to these changes, no serious

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attempts at revising the strong executive dominance in this field have taken place in Belgium.

However, since 2011, practice seems to suggest a more prominent role for the Belgian Federal Parliament. For the first time, the Belgian Parliament was asked prior authorisation for the deployment of foreign military interventions to Libya (2011) and Iraq (2014). But to what extent have these consultations also resulted in more effective oversight or control on behalf of the Parliament? Given that from a constitutional point of view the Parliament remains a very marginal player in military interventions, one might wonder who is controlling whom. Is the parliament drawing red lines towards the government? Or is the government instrumentalising parliamentary backing for legitimising risky military interventions abroad?

This article undertakes an in-depth analysis of the oversight capacity of the Belgian Federal Parliament on military interventions, using the interventions in Libya (2011) and Iraq (2014) as case studies. It does so by analysing the Parliament's oversight capacity in terms of its *authority*, *ability* and *attitude* to hold a government accountable. Going beyond a mere legal approach, this study builds on interviews with parliamentarians, as well as with governmental, diplomatic and military officials, next to the scrutiny of parliamentary records and news media to draw up a complete picture of the legislative-executive dynamics that are at play when deploying military missions abroad.

A Framework for Analysis

Despite increased attention, academic literature on parliamentary control over military interventions remains largely descriptive (Wagner, 2006: 8). Most scholars limit themselves to discussing the pros and cons of increased parliamentary control capacities, or to providing country-wide overviews of parliamentary war powers (e.g. Peters and Wagner, 2011; Dieterich et al., 2015).

The wide variety of cross-case comparisons of parliamentary war powers in European democracies has generated a useful panoramic overview. However, such large-n studies inevitably only scrape the surface, trading in-depth analysis for a broader picture. Analysis of parliamentary oversight in concrete decision-making processes still remains the exception.

Numerous authors already indicated the added value of in-depth case studies, yet they do not always fully practice what they preach (Hänggi, 2004; Born and Hänggi, 2005; Dieterich et al., 2015: 100). Reiterating Kestin and

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Kaarbo's point (2010: 20) that studying the constitutional provisions of parliamentary war powers is "only a starting point for research", the analysis presented below moves beyond a pure legal focus. Based upon insights from Born and Hänggi (2005), it not only focuses on a parliament's powers and formal capacity, but equally includes the "willingness to hold the government to account for its actions" (*Ibid*: 4).

The 'Triple A' Framework

This study applies the 'triple A framework' presented by Born and Hänggi (2005), which includes the *authority*, *ability* and *attitude* of a parliament for holding a government accountable in its decision to participate to military interventions.

1. *Authority* not only encompasses the basic war power of prior authorisation, it also takes into account formal rights such as the approval of a mission's mandate and operational issues, the right to visit troops or to decide on the duration of the operation. It may also be derived from other basic parliamentary oversight tools such as the right to ask questions, the approval of the (military) budget, and so on.
2. *Ability* is defined in terms of the sufficiency of the resources parliamentarians can rely upon. This includes the presence and strength of specific parliamentary defence committees, the availability of a budget and staff for such committees and the ability to use external expertise.
3. *Attitude*, which is most relevant for going beyond a purely legal focus, has been described as "the political willingness of parliamentarians to use the tools and mechanisms at their disposal" (*Ibid*: 11). According to Born and Hänggi, this includes taking into account both outside pressures by media and public opinion, as well as factors such as pressures by the government, party discipline, and the attitude of individual parliamentarians.

Our analysis of the Belgian Federal Parliament's control capacity over participation in military interventions starts with a general overview of its authority and ability to do so. Next, it turns to the attitude of the Parliament in two concrete decision-making processes, being the troop deployments to Libya (2011) and Iraq (2014-2015).

The analysis builds on 12 semi-structured in-depth interviews with involved Members of Parliament, the ministerial cabinets of Defence and Foreign Affairs, and the military. It is also based on an extensive study of news media, as well as parliamentary records.

The Belgian Federal Parliament and the Interventions in Libya and Iraq

Authority

What is the *authority* of the Belgian Federal Parliament to decide upon the deployment of military troops abroad? Following Born and Hänggi (2005: 5), “the strongest tool of parliamentary oversight by far is the constitutional or legal right to approve or reject the use of force”. From this point of view, the Belgian Parliament only has a very limited authority. Article 167 of the Belgian Constitution states that: “*The King commands the armed forces, and determines the state of war and the cessation of hostilities*”, putting the power of authorisation entirely in the hands of the executive. It furthermore argues that “*He notifies the Chambers as soon as State interests and security permit and he adds those messages deemed appropriate.*”⁴ The Parliament is hence only to be *informed* about troop deployments, and it is not even specified *when* and *how* this notification needs to take place (Ruys, 2009: 514). Following from Born and Hänggi’s classification, Belgium can therefore be categorised at the lower end in the parliamentary war powers ‘league table’, together with Poland, Portugal, or the UK. This contrasts sharply to the legislatures of Denmark or Germany, which do have the power of prior authorisation and may influence the details of deployment.

The implication is that within the actual decision-making process for *launching* or *prolonging* military missions, the Belgian Parliament is formally at best a peripheral actor.⁵ It is therefore obliged to seek recourse to conventional legislative, budgetary, and oversight powers. Concerning legislative powers, the Constitution provides no basis for a generic law on prior approval for the

⁴ Whereas the Belgian Constitution makes mentioning of the King, the actual responsibility is carried by his Ministers (Art. 63), implying that all stipulations about his tasks, rights and duties are to be interpreted as those of the Government.

⁵ Within government the political power resides within the so-called ‘decision-making triangle’ of the Minister of Defence, the Foreign Affairs Minister and the Prime Minister, with the formalisation of decisions occurring within the core cabinet and the final approval by the council of ministers (*Minister-raad*) (Moyse and Dumoulin, 2011).

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deployment of forces of the kind Germany or Spain have. The ‘power of the purse’ (the annual approval of the federal government budget) also turns out to be a blunt tool, since approval is given for the totality of the budget, without a detailed discussion or breakdown for military operations (Houben, 2005: 44). Similarly, for the annual revision of the budget, no discussion takes place within the defence committee for the military specifics, as the finance committee deals with it as part of the whole budget (Interview #10). What remains are the general scrutiny and oversight powers such as the right to interpellate the Minister of Foreign Affairs or Defence, to put him or her before a motion of confidence, to ask oral or written questions, to hold (emergency) debates, to organise hearings, and to install an investigative committee (for an elaborate overview and analysis of these instruments, see Velaers, 2005). The impact of these levers depends on the *ability* (the resources) and *attitude* (political willingness) of parliamentarians to effectively make use of them, factors which are discussed in the next two sections.

Ability

One can ask whether the near-total lack of constitutional powers is reflected in the Belgian Parliament’s *ability* to control military operations. Given the lack of direct constitutional prerogatives with regard to military interventions, the Parliament primarily makes use of its general control and oversight powers as listed above. For doing so, it has three parliamentary committees at its disposal: the Defence Committee (DC), the Foreign Affairs Committee (FAC)⁶, and the Special Committee for the Monitoring of Foreign Missions (SCMFM). The latter was initially set up in the Senate, following the recommendations of the Rwanda investigative committee (1997)⁷, but nowadays continues to exist within the Chamber. The membership of all three committees reflects the allocation of seats in the general Chamber; the DC and the FAC consist of 17 MPs and the SCMFM of 13 MPs.

While the DC and the FAC have interpellation rights and the right to ask questions to the minister in charge, this is not the case for the SCMFM, as this committee deals with the technical details of the actual operations. Therefore the SCMFM takes place behind closed doors and its members are bound

⁶ The DC and FAC can convene in a joint session when deemed relevant.

⁷ This investigative committee was set up after the murder of ten Belgian soldiers that were partaking in the UNAMIR peacekeeping mission in Rwanda (1994).

to strict confidentiality. According to its internal rules⁸, the SCMFM is provided with the conclusions of the council of ministers, the Rules of Engagement (RoE) of the military operation (including the Belgian caveats with regard to the mission), and the reports of the military intelligence service. Put differently, the oversight capacity of the SCMFM is largely determined by the information it receives from the executive and the military.

The institutional resources committee members can draw upon are rather weak as well (De Winter, 1998: 105). In sharp contrast to the situation in neighbouring countries⁹, each of these committees has only one parliamentary officer at its disposal, solely tasked with administrative and procedural functions. Nor are the relevant committees awarded a separate budget to organise events or to order studies. There is no research or policy analysis unit present that can provide briefings to parliamentarians, instead there is only a library with a small collection of books. The only relevant source of information is the Court of Audit, a collateral institution of the Parliament, charged with providing external scrutiny on the budget and spending.¹⁰ These findings are therefore in line with those of De Winter and Wolfs (forthcoming) who argue that due to a partitocratic decision-making culture, valuable expertise and resources reside within the political parties rather than within Parliament.

Interestingly, however, a near-total absence of authority and limited degrees of parliamentary ability to control the executive do not necessarily imply that the Belgian Parliament is doomed to be a powerless spectator. Much can depend upon the attitude of its members, as well as upon the context of a specific crisis.

Attitude

To analyse the *attitude* of the Belgian Federal Parliament in concrete decision-making processes, two military interventions have been selected: the Libya intervention of 2011 and the Iraq intervention of 2014-2015. The analysis will focus on two phases within each of the decision-making processes: the discussions and decision on the participation, and the follow-up during the actual operations.

⁸ Commissie Opvolging Buitenlandse Missies, huishoudelijk reglement, aangenomen op 7 oktober 2014.

⁹ Staff of the Defence committees: Netherlands (5), Germany (8), France (11) (Born & Hännig 2005: 10).

¹⁰ With regard to the evaluation of military missions, a single study conducted in 2010 on 'learning from foreign military operations' is useful and informative, but maintains a narrow focus on 'efficiency' and the capacity for 'lessons learned' within the defence department (see Rekenhof, 2010).

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The following sections inquire whether the Belgian Parliament purely acted within the formal boundaries given to (or imposed upon) it, remaining a rubber-stamping institution, or whether it actively tried to control the executive by stretching these boundaries to their limits or even moving around them. First, some general circumstances are highlighted which seem to have generated a window of opportunity for more parliamentary oversight. Subsequently, it is asked how the attitude of the Parliament determined the degree to which such increased oversight could indeed materialise.

Libya and Iraq: general observations

On 17 March 2011, reacting against Colonel Qaddafi's violent suppression of protests in Libya, the UNSC adopted Resolution 1973, authorising the use of "all necessary measures" to protect civilians under threat of attack (Operative Paragraph 4), the enforcement of a no-fly zone over the Libyan territory (Operative Paragraph 6) and the instalment of an arms embargo (Operative Paragraph 13). While the intervention was initially implemented by a coalition of the willing, NATO took over command and control on 31 March, establishing Operation Unified Protector. Belgian military forces participated in the operation from 21 March with six F16 fighter jets, a marine minesweeper and approximately 200 military support personnel. The entire operation, including the Belgian contribution, was brought to an end on 31 October 2011.

On 7 August 2014, USA President Barack Obama announced his approval for a military intervention over Iraq¹¹, a direct reaction against atrocities committed by the Islamic State of Iraq and the Levant (ISIL) and the threat against Yazidi minorities. On 10 September, he announced an expansion of the strikes to Syria. Despite lacking explicit UNSC authorisation¹², the US intervention quickly turned into an international coalition of the willing. Belgian air force deployed six F-16 fighter jets and an additional 120 military troops for support reasons (limited to the territory of Iraq). The Belgian participation started on 26 September 2014 and was 'paused' on 30 June 2015.¹³

¹¹ Statement by the President, The White House (Office of the Press Secretary) (07.08.2014) (retrieved from: <https://www.whitehouse.gov/the-press-office/2014/08/07/statement-president>)

¹² Contrary to the case of Syria, there was however a demand from the government in Baghdad for foreign military support in the fight against ISIL.

¹³ The air campaign meanwhile was been taken over by the Netherlands. Both countries agreed that Belgium would take over again from the Netherlands in the summer of 2016. In the meantime, around 30 trainers were still present on the ground.

Both cases indicate the importance of the concrete decision-making contexts as practice twice deviated from the formal authorisation rules outlined above. As the Belgian government was in dismissal and reduced to a caretaker role at the time of the Libya crisis, the executive prerogative was put into question by constitutional experts (e.g. Interview #8; *De Standaard*, 22/03/2011, p.40). It resulted in a cross-party consensus that the government could only act on the basis of a parliamentary resolution giving prior authorisation for Belgian participation. Quite similarly, the decision for an Iraq intervention coincided with the last week of the 2014 government formation and was therefore also first brought to the Parliament for approval. While the participation in the Libya intervention was approved with unanimity (minus one) on 21 March 2011, the approval for deployment to Iraq on 26 September 2014 was less broadly supported, as the extreme-left parties PVDA-PTB voted against and the green fraction Ecolo-Groen! abstained.

Each of the two cases hence appear to have provided the Belgian Federal Parliament with a unique opportunity to play a larger role than it is constitutionally allowed to. This was recognised by the involved parliamentarians, particularly concerning the Libya crisis. According to a key liberal Member of Parliament, “*we quickly had a sense that it was possible, that parliament could play a role*” (Interview #11). This was particularly due to the existing deadlock in the government formation, which caused “*a situation where there was no real majority or opposition, no pre-defined role-playing within the Parliament*” (*Ibid.*). Put differently, the oversight capacity of the Parliament was much more dependent upon the willingness of the parliamentarians than it had been in previous cases. In addition, both parliamentary resolutions explicitly stressed the request to discuss any change of mandate with the Chamber and keep it permanently involved (Doc 53 1308/001, p.4; Doc 54 0305/004, p.4). Interestingly, the observation that the government again consulted the Parliament three years later during the Iraq crisis even led to a parliamentary belief that hereby “*a good practice has been initiated*” (Interview #9).

While the above suggests that a window of opportunity for greater oversight and an awareness of it were present in both cases, this does not necessarily mean that the Parliament also effectively made use of it. Analysis should take into account three aspects which determine its attitude or willingness (thus capacity) to do so: the importance of outside pressures in approving deployment, the information asymmetries hindering concrete follow-up of the interventions, and the degree of party discipline.

Parliamentary approval and outside pressures

Born and Hänggi (2005: 11) have argued that the willingness to accept the use of force is often largely determined by “*outside pressures such as the demand by public opinion and the media ‘to do something’ when civil wars occur*”. This is a largely uncontested argument (e.g. Rosenau, 1961; Rosenau, 1967; Hildebrandt et al., 2013) which is also clearly illustrated by both of our cases.

Despite a long debate in the Joint Committee on Defence and Foreign Affairs on 18 March 2011, the deployment of Belgian military forces to Libya was authorised with quasi-unanimity in the Federal Parliament. In addition to stressing the necessity to follow the 1997 Rwanda investigative committee’s recommendations on clear and straightforward Rules of Engagement, nearly all speakers within the Joint Committee expressed their abhorrence for Qaddafi’s violent attacks against protestors and their support for immediate action (CRIV 53 Com 162). Additionally, during interviews both parliamentarians and members of the cabinet of Foreign Affairs stressed that the media’s pressure to take action could not be neglected.

The outside pressures surrounding the Libya conflict seem to have created an over-enthusiast climate within Parliament. This atmosphere not only determined the strong parliamentary support during the actual vote, but may also have indirectly impeded its capacity to critically scrutinise the executive. One crucial observation which supports this argument is that, in contrast to UNSC Resolution 1973 (which only mandated the use of all necessary means *to protect civilians*), the Belgian Members of Parliament did not oppose the majority drafted¹⁴ parliamentary resolution’s statement that “*conditions are fulfilled for a military action against the regime of Qaddafi*” (Doc 53 1308/001, para 2).¹⁵ In other words, it implicitly accepted the goal of *regime change*, which was later internationally contested. According to some, this voluntarist and controversial paragraph should be understood in the context of a parliamentary battle against that time’s government (Interview #11), whose decision to support Libya’s candidacy for a seat in the UN Human Rights Council in 2010 was heavily

¹⁴ This resolution was proposed by the Christian democrats and drafted by government officials. Note that both the Prime Minister, the Minister of Defence, and the Foreign Affairs Minister belonged to the same Christian Democratic party (CD&V).

¹⁵ The wording is all the more surprising since Prime Minister Leterme reassured the Parliament at the same time that “*the goal of our action is not the removal of the Qaddafi regime, but the protection of the Libyan people*”. However, at the same time his party was already urging the EU to prepare for the post-Qaddafi era (*De Standaard*, 22/03/2011, p.6; *De Morgen*, 22/03/2011, p.4). Similarly, Minister of Defence De Crem reassured the DC-FAC committee “*regime change is not what is aimed for*” (*De Morgen*, 19/03/2011, p.5).

criticised. Members of the executive noted that this “*atmosphere creation*” made the Parliament particularly supportive (and thus uncritical) to *any* kind of international reaction against the Libyan regime (Interview #2), to the extent that this even might have hindered its capacity to curb the executive (Interview #4).

Although the government’s decision to request parliamentary approval created a window of opportunity for parliamentary oversight, it seems that this did not lead to a limitation of the executive’s degrees of freedom in participating in the Libya operation. Furthermore, even before the Parliament was able to approve the military operation, Belgian fighter jets had already entered Libyan airspace for their first flights (*De Standaard*, 22/03/2011, p.1).

Regarding outside pressures, a largely similar observation can be made for the Iraq deployment (Interview #1; #12). Yet, this authorisation was more prone to debate given the absence of a UNSC mandate. Quite similarly to the Libya situation, the many videos spread by ISIL of beheadings and other atrocities, and the imminent threat that was posed against the Yazidi population, caused international outrage and a sense of urgency among policy-makers. The terrorist attack of an ISIL fighter four months earlier in Brussels (killing four) and the highly salient debate on the number of Belgian ‘foreign fighters’ that joined ranks with ISIL further added to this feeling. This made politicians of all parties but the Greens (who abstained) and the extreme-left (voting against) closing ranks to support the military intervention. A liberal MP even argued that ‘not participating to the military coalition in Iraq would imply complicity in crimes against humanity’ (CRIV 54 PLEN 005).

However, whereas lack of clear majority-opposition dynamics during the Libyan crisis still gave the Parliament a genuine say, this was much less the case for the parliamentary consultation for the Iraq intervention. A new government was ready to take office within a week, making that the future majoritarian MPs were already put under heavy constraint of their party leaders, the level at which a deal was struck. Indeed, notwithstanding the lively debate, the entire text of the resolution – again written by the executive¹⁶ – was already approved at all party headquarters of the new majority, including the then still main opposition party (N-VA), before the debate was even initiated within the Joint Committee on Defence and Foreign Affairs (Interview

¹⁶ The resolution was drafted by cabinet aids of the Ministers of Defence (De Crem) and Foreign Affairs (Reynders), and its content was negotiated with party leaders of both the old and the new majority (Interview #12).

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#12; cf. also *De Standaard*, 25/09/2014, p.20). The (new) opposition MPs also lamented the fact the Belgian F16 fighter jets were already on their way to their first stop at the Araxos airbase in Greece before the vote in Parliament was held. Finally, in absence of a NATO-umbrella, no pre-defined Rules of Engagement were in place for the military intervention, leading to Parliament approving a mission *without* any knowledge on the Rules of Engagement (*De Standaard*, 30/09/2014, p.6). Taking into account that during the parliamentary discussions of 18 March numerous MPs highlighted the Rwanda investigative committee's recommendations on clear Rules of Engagement, this lack of clarity is somewhat surprising.¹⁷

Follow-up and information-gathering

In terms of information gathering and expertise provision, both of our cases indicate a clear information asymmetry at the expense of parliamentarians, impeding their capacity to effectively monitor or influence the interventions. We first turn to the formal information channels at the disposal of parliamentarians that are provided by the relevant committees (the DC, the FAC, and the SCMFM), after which we analyse the dynamics of informal information streams.

Analysis of discussions within the DC and the FAC shows a general parliamentary frustration with the extent of the information they received from government during the interventions, some even making the accusation that “*the Minister retains valuable information from parliament*” (CRIV 53 COM 182). It is said that the information which is given in both committees is “*not of such a quality which allows for making credible estimations of what happens on the ground*” (Interview #7). However, one should take into account that a clear division of tasks exists between the DC and FAC which deals with political aspects of military missions, and the SCMFM which deals with technical (and often highly sensitive) military matters of the intervention (Interview #10). On the one hand, the Foreign Affairs and Defence Ministers' frequent referral to discussions in the SCMFM in answering parliamentary questions could be understood in that regard. On the other, opposition MPs claim that this division of labour between committees makes it easy for the minister “*not to touch*

¹⁷ Although the Rwanda investigative committee's recommendations addressed Belgian participation in UN peace operations, these hence also seem to have gained foothold amongst MPs when it comes to authorizing military interventions in so-called ad-hoc ‘coalitions of the willing’.

the hot potato” by referring difficult questions back and forth to other committees (Interviews #7 and #9).

Within the SCFMF, several factors hinder parliamentarians’ control capacity, even if the willingness to do so might be present. As indicated earlier, three specific types of information are provided to this committee: the conclusions of the council of ministers, the RoE of the military operation, and the reports of the military intelligence service. First, complaints about the type of information are present, as indicated in numerous interviews. During an operation, the Minister of Defence (sided by his or her cabinet and assisted by military experts), gives a presentation about the state of play of the operation. MPs are allowed to bring one assistant, but may not take notes. Whereas on the one hand some MPs argue that not enough information is provided, others indicate that presentations often take the form of “*beating the parliamentarians to death with technical military jargon*” (Interview #7). More generally, and following Houben (2005: 43-46), there seems to be no way to verify whether the information given is accurate, complete and truthful.

Second, being informed about the RoE – a practice which only started with the Belgian participation in Afghanistan – in reality means that parliamentarians can only look into the RoE, without actually affecting them (Interview #8).¹⁸ Granted, even within a broad international coalition such as the NATO framework in the Libya intervention, each country can specify its own caveats, which might create an opportunity for parliamentarians.¹⁹ While it was indicated by some members that “*here our voice is being heard*” (Interview #9), concrete evidence of actual influence remains absent.

Third, contrary to many other countries, there is no standardised process for the political evaluation or follow up of military missions (Houben, 2005: 43). Very sporadically, the Minister of Defence invites MPs for a visit to the troops or an airbase, as happened in the case of Libya. Regarding the prolongation of missions, the Parliament remains completely side-lined. For example, after the initial parliamentary approval for a military intervention in Iraq for the duration of one month, the subsequent extensions were decided unilaterally by the council of ministers, without a prior debate within Parliament (although it explicitly asked for that).

¹⁸ That should however not be surprising, as the specification of RoE are primarily a military responsibility, and are often already pre-defined by the alliance’s broader framework (such as the NATO RoE in the Libya intervention).

¹⁹ Belgium for instance not just copied the NATO RoE, but added that force could only be used if necessary to protect civilians (Interview #2).

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Finally, and most crucially, the SCMFM's practice is bound to strict confidentiality. In other words, all information provided by the executive or military should be kept strictly behind the closed doors of the SCMFM by each of its 13 members. While military information is sensitive, complaints have been expressed in both cases about the government's urge for confidentiality on issues which were publicly shared in other countries. In addition, the obligation of strict confidentiality provides the executive with an opportunity to strategically share information in the SCMFM. This means that the executive can a priori limit the Parliament's capacity to effectively control it as the broader dissemination of this information is prohibited.

Next to these formal communication channels, parliamentarians can draw upon informal channels. Both of our cases for instance show evidence of some limited consultations from the cabinet level with parliamentarians in order to secure the necessary support before the issue is brought to a vote. This allowed MPs to acquire information and to raise concerns or reservations towards the draft resolution.

Parliamentarians also highlighted a number of informal information streams they rely upon once an issue was put on the parliamentary agenda. These include party networks (i.e. a parliamentarian's personal assistant, experts within the party, study departments, former ministers within the party, party affiliates in the executive departments, MEPs and information exchange with European counterparts), but also less partisan networks (academia, NGOs or think tanks). The importance of these informal networks was highlighted by one member of the SCMFM, stating that "*we are often better informed through the information we get from our Dutch counterparts, than through the information we receive from our government*"²⁰ (Interview #8).

Yet, the degree of information asymmetry also strongly varies *among* MPs, along three axes. First, while majoritarian MPs have direct access to governmental contacts through their party's Vice-Prime Minister²¹ in the government (and in that way are kept fully informed about all preparations and activities when decisions are still in the pipeline), opposition MPs are kept out of the loop during this crucial stage. Second, the informal party networks of the tradi-

²⁰ For each participation to an international military intervention, the Dutch government has to provide a detailed letter (the 'article 100 letter') to the *Staten-Generaal* in which it informs the MPs about the political and military context of the situation at hand, and puts forward its motivation for participating to an intervention.

²¹ Each coalition party has one vice-PM in the government, allowing to jointly follow and discuss initiatives of other ministers in the government.

tional ‘regime parties’ (socialist, liberals, and Christian democrats) within the Ministries of Defence and Foreign Affairs are determinative as well, as these are much bigger and older than those of younger or anti-establishment parties (Interviews #9 and #10). Thirdly, the rank or position of an MP can make a difference, as “*the higher your position within politics, the easier you can get in touch with experts on an ad hoc basis*” (Interview #11).

Government pressure and party discipline

Belgium is a classic example of a ‘partitocratic system’ where the gravity point of political power lies within the party headquarters, rather than within government as such. The effect thereof is that Belgian MPs are much more agents of their party than of their electorate (cf. Dewachter, 2003; De Winter, 1998). Since MPs’ (voting) behaviour in committees is strongly instructed and monitored by the party, voting cohesion is very strong and majority MPs loyally follow their ‘allies’ in government (De Winter, 1998). Given the strong constitutional executive dominance, party discipline and government pressure are manifestly at play with regard to decisions on military interventions (Houben 2005: 41-46; Moyse & Dumoulin, 2011: 18-20, 23), to the extent that the government (through the parties) appears to be more in control of Parliament than *vice versa*. Four observations support this claim.

First, as we already mentioned before, it is somehow surprising to find that both parliamentary resolutions, although introduced via an MP, were in fact written by government executives and pre-discussed (even pre-agreed) by the political parties’ leadership before they were introduced within the Chamber. An MP in that regard indicated that, once the resolution is put to vote, “*you may get a telephone call from the party president, who wants to be sure you are going to vote in the right way*” (Interview #7). In principle, parliamentary resolutions contain recommendations or questions from the Parliament to the government. While these might not be directly enforceable; their adoption by a majority of parliamentarians is supposed to encompass a considerable extent of political authority. However, by relocating the actual authorship of these ‘parliamentary demands’ back to government circles, this oversight instrument risks becoming perverted, or is very cynically interpreted at least.

Second, it is clear that the government does not feel compelled to act strictly within the lines of the resolution. Put differently, the government does not estimate that non-compliance forms a potential risk for a motion of

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censure.²² In both the Libya and Iraq case, the resolution contained a sentence which explicitly asked to “*guarantee the continued involvement of the Chamber and to renegotiate when circumstances would change the length, the nature and the territory of the Belgian deployment*” (see DOC 53 1308/001, p.4; DOC 54 0305/004, p.4). Both in May and October 2011, however, the duration of the Belgian deployment to Libya was extended without prior discussion in Parliament. During debates within the DC, numerous MPs expressed serious critiques to the executive for side-lining Parliament, with some even stressing the risk of “*ultimately leading to mission creep*”. Remarkably, the mandate’s extension was explained as an “*emergency measure*” (May 2011) and “*a continuation of the mission mandated by the North-Atlantic Council*” (October 2011), hence arguing not having violated the parliamentary resolution (CRIV 53 COM 225; CRIV 53 COM 316).

Third, this raises the question on the executive’s main reason for a priori asking parliamentary authorisation in both cases. While some members of the executive during the Libya crisis indicated their support for increased parliamentary oversight capacities (Interview #1), it seems that in both cases the members of the caretaker government particularly wanted to guarantee sufficient backing in case something would go wrong. Besides a literal referral to this logic by the then Foreign Affairs Minister during the above mentioned Joint Meeting on Libya, he furthermore argued that this involves that “*we can take every decision in this regard with the guarantee that in Belgium both the executive and the assembly (...) accept such a decision with greatest lucidity*” (CRIV 53, Com 162). Rather than getting constrained by Parliament, the government thus seems to have instrumentalised parliamentary resolutions to convey themselves a stronger degree of legitimacy and to diffuse political responsibility.

Finally, the executive culture in Belgian foreign policy decision-making is not one of favouring strong exposure to Parliament and public opinion. For example, one interviewee argued that “*within the Foreign Affairs Department, a fear is present for being made overly dependent upon a vote in Parliament*” (Interview #7). With regard to the Libyan intervention, the Minister of Defence stated that “*the execution and completion of the mission is a decision*

²² A single motion of censure solely against the Minister of Defence is not even possible, since the decisions on military intervention are taken by the whole of government. What remains left then, is the ‘nuclear option’ of sending home the entire government, a blunt decision that comes at a high cost for parliamentarians themselves, and therefore highly unlikely (Houben 2005: 43).

made by the government, with only a posteriori control by Parliament.” While recognising that some kind of parliamentary monitoring has advantages, he equally stressed that “*this should not lead to a situation where the government or the commanders on the field cannot take their responsibility in executive decisions*” (CRIV 53, Com 162). In the Iraq case, it was argued by Defence and Foreign Affairs officials that once the government had full authority²³, it was not anymore bound to guaranteeing parliamentary approval. While the Libya and Iraq case were definitely exceptional as both deployment decisions had to be taken by a caretaker government, such a general executive logic seems plausible. Not only are there reasons to fear a delaying effect of such approval practices, it might also jeopardise a country’s reputation within multilateral contexts such as in NATO and the EU. Besides, one could also argue that the impact of the military on the Defence cabinet might differ from government to government, and could equally impact the extent to which it feels an obligation to inform the legislative branch.

Relatedly, as became clear throughout our interviews, similar political-ideological and strategic convictions could be detected within parties’ individual reasoning. Depending upon the party affiliation, ideas differed about the degree to which international crises should be dealt with in either a ‘pragmatic’ or a more ‘principled’ way, including the degree to which Parliament should have a say in it. These largely followed a conservative (Christian Democrats, Francophone liberals, Flemish nationalists) versus progressive (Greens, socialists and Flemish liberals) ideology. This latter group turns out to be more favourable towards an increased parliamentary say and has proposed constitutional amendments in that direction, thus far without result.

Conclusion

What this study makes clear is that the evaluation of the Belgian Parliament through the triple A model of Born and Hänggi does not yield it a “triple A rating”. Granted, the Parliament does not have an easy starting position: it does not have the constitutional rights to be consulted for the approval or prolongation of a military mission, neither can it build on a vast amount of institutional resources.

²³ The ‘Michel’ government was sworn in on 11 October 2014, about three weeks after the decision to deploy troops to Iraq.

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Given these strong structural limitations, the prior consultations for the Libyan and Iraq intervention could be seen as highly exceptional and unique opportunities at first glance, being dependent on parliamentarians' attitude to stretch boundaries to their limit. Especially the Libya case provided a strong opportunity for Parliament to play a bigger role, given the lack of a government with an easy-to-discipline parliamentary majority at its disposal.

Yet, although the government formally consulted the Parliament in both cases, it appears that the debates held were to a large extent cosmetic. The attitude or willingness of the Parliament is strongly paralysed by party discipline and partitocratic decision-making, making Members of Parliament agents of their party instead of their own electorate. In such context, accountability mechanisms such as interpellations, or even genuine parliamentary reflection, debate and approval, cannot fully generate governmental scrutiny. If the government holds the pen of parliamentary resolutions, and when fighter jets take off before their approval, what remains of their significance? Given this strong party discipline, one could even wonder to what extent a constitutional amendment might be able to improve the effective oversight capacity of the Parliament.

This brings us to a final point: of crucial importance to comprehend the role played by Parliament is to take into account the preferences of the executive. Dynamics in both cases seem to have been characterised by the governments' caretaker status, and thus a lack of full legitimacy (added to that the lack of a UN mandate in the case of Iraq) to act *cavalier seul*. While intuitively, one would expect the executive's decision to consult Parliament being dependent upon the risk Belgian troops will be confronted with during an operation, the above analysis draws a different picture as the degree of freedom of Parliament (thus reduced party discipline) seems to be a function of the strength of majority-opposition dynamics. Indeed, as we have indicated, once the government could act on full powers again, the initial parliamentary actorness was nipped in the bud. This is an observation which does not only deserve further analysis, but might equally affect debates on the parliamentary desire to gain increased formal powers.

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- Interview #1: Foreign Affairs Official, 26 February 2015, Brussels.
- Interview #2: Defence Official, 4 March 2015, Brussels.
- Interview #3: Foreign Affairs Official, 16 April 2015, Brussels.
- Interview #4: Foreign Affairs Official, 17 April 2015, Brussels.
- Interview #5: Foreign Affairs Official, 24 April 2015, Brussels.
- Interview #6: Defence Official, 29 May 2015, Brussels.
- Interview #7: Member of Parliament, 6 July 2015, Brussels.
- Interview #8: assistant to Member of Parliament, 7 July 2015, Brussels.
- Interview #9: Member of Parliament, 7 July 2015, Brussels.
- Interview #10: Parliamentary Official, 10 July 2015, Brussels.
- Interview #11: Member of Parliament, 14 July 2015, Brussels.
- Interview #12: Member of Cabinet, 21 March 2016, Brussels.